IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.2445 OF 2004
IN
FIRST APPEAL NO. 834 OF 2004

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri D.R.Mahadik with Shri B.Bhatt for the Appellant.

Shri S.A.Oak for the Respondents 1 & 2/Claimants.

CORAM : ABHAY S.OKA, J.

DATED : 16th August, 2004.

P.C.:

1. Rule. Respondents Nos.1 and 2 waive service. Service on Respondent No.3 is dispensed with. The Application is heard forthwith.

2. The challenge in the First Appeal is to the Judgment and Award passed by the Motor Accident Claims Tribunal by invoking provisions of section 163A of the Motor Vehicles Act, 1988. Primafacie the challenge appears to be restricted to the quantum of compensation awarded. Considering the challenge in the appeal, this is a fit case where a sum of Rs.3 lakhs should be allowed to be withdrawn by the Respondents Nos.1 and 2 without furnishing any security.

3. The learned Counsel appearing for the Appellant has stated that the entire amount due and payable as per the Award has been deposited with the Tribunal. Hence the Civil Application is disposed of with the following order:

(i) The Respondents Nos.1 and 2 are allowed to withdraw a sum of Rs.3,00,000/- (Rupees Three lac only) without security from the amounts deposited by the Appellant with the Tribunal.

(ii) Rest of the amount deposited by the Appellant shall be invested by the Tribunal in a fixed depsoit with some nationalised Bank. Fixed deposit shall be renewed from time to time till disposal of the Appeal.

(iii) The payment of the sum of Rs.3,00,000/- to the Respondents Nos.1 and 2 shall be subject to the final result of the appeal.

Judge.